

Stephen D. Finestone (125675)
Ryan A. Witthans (301432)
FINESTONE HAYES LLP
456 Montgomery Street, 20th Floor
San Francisco, CA 94104
Tel.: (415) 421-2624
Fax: (415) 398-2820
Email: sfinestone@fhllawllp.com
Email: rwitthans@fhllawllp.com

Attorneys for Appellee
Evander Frank Kane

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

EVANDER FRANK KANE,

Debtor.

SOUTH RIVER CAPITAL, LLC

Appellant

v.

EVANDER FRANK KANE

Appellee

Case No. 21-cv-03493-WHO

Bankruptcy Case No. 21-50028-SLJ

Chapter 7

**STIPULATION AND ORDER TO
MODIFY THE BRIEFING DEADLINES
ON APPEAL**

Appellant, South River Capital, LLC ("South River"), and Appellee, Evander Frank Kane ("Kane"), enter into the following stipulation to modify the briefing schedule for this appeal as set forth below (the "Stipulation") and request the Court's approval of the revised schedule.

RECITALS

1. South River filed a Notice of Appeal in the abovementioned bankruptcy case pending in the US Bankruptcy Court regarding an Order Denying Motion to Convert and
STIP RE BRIEFING SCHEDULE

electing this Court to resolve the appeal (the "Appeal").

2. Pursuant to this Court's Notice of Filing of Appeal & Scheduling Order (the Scheduling Order) [dated May 10, 2021; Doc. No. 2] the Appellant's principal brief was due no more than 30 days after docketing of notice that the record in this matter had been transmitted or is available electronically on the Court's docket;

3. On July 6, 2021, South River timely filed its Appellant's Opening Brief (Doc. No. 4);

4. Pursuant to the Scheduling Order, Kane's responsive brief is due no more than 30 days after South River's opening brief;

5. Kane has requested, and South River has agreed to extend the time for Kane to file his responsive brief to September 7, 2021. There have been no other previous time modifications in the Appeal; and

6. Therefore, Kane and South River propose to modify the briefing schedule in the Appeal as set forth below.

STIPULATION

The Parties stipulate and agree, through their respective attorneys, as follows:

1. Kane's responsive brief shall be due no later than September 7, 2021.

2. Except as specifically modified herein, all other deadlines for briefs in the Appeal and other matters set forth in the Scheduling Order remain unchanged and in effect.

3. Kane and South River request that the Court enter an order approving this Stipulation.

DATED: July 26, 2021

BINDER & MALTER, LLP

By: /s/ Wendy Watrous Smith
Wendy Watrous Smith
Attorneys for Appellant South River Capital LLC

1 DATED: July 26, 2021

FINESTONE HAYES LLP

2
3 By: /s/ Stephen D. Finestone

4 Stephen D. Finestone

5 Attorneys for Appellee Evander Frank Kane

6 **ORDER**

7 IT IS SO ORDERED

8
9 DATED: _____

10
11 By: _____

12 Hon. William H. Orrick

13 District Judge of the United States District Court
14 for the Northern District of California